

1 HONORABLE MICHELLE L. PETERSON
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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 BUNGIE, INC., a Delaware corporation,
11 Plaintiff,

12 v.

13 JOSHUA FISHER, JACOB W. MAHURON
14 A/K/A "PRAGMATIC TAX," MATTHEW
15 ABBOTT A/K/A "NOVA," DAVID
16 HASTINGS A/K/A "J3STER," TRAVERS
17 RUTTEN A/K/A "TRAVERS7134," JESSE
18 WATSON A/K/A "JESSEWATSON3944,"
19 JOHN DOE NO. 1 A/K/A "CALC" JOHN
20 DOE NO. 2 A/K/A "CYPER," JOHN
DOE NO. 3 A/K/A "KHALEESI," JOHN
DOE NO. 4 A/K/A "GOD," JOHN DOE
NO. 5 A/K/A "C52YOU," JOHN DOE NO.
6 A/K/A "LELABOWERS74," JOHN DOE
NO. 7 A/K/A "FRAMEWORK," JOHN
DOE NO. 8 A/K/A "SEQUEL," JOHN DOE
NO. 9 A/K/A "1INVITUS," JOHN DOE NO.
10 A/K/A "SINISTER," AND JOHN DOES
NO. 11-50,

21 Defendants.

22 Case No. 2:23-cv-01143-MLP

23 DECLARATION OF KATHRYN TEWSON
IN SUPPORT OF PLAINTIFF'S MOTION
FOR EXPEDITED DISCOVERY TO
CONFIRM DEFENDANTS' IDENTITIES
AND LOCATIONS AND FOR AN
EXTENSION OF THE RULE 4(m)
SERVICE DEADLINE

24 NOTE ON MOTION CALENDAR:
November 17, 2023

25 I, Kathryn Tewson, declare and state as follows:

26 1. I am a paralegal and investigator for Kamerman, Uncyk, Soniker and Klein. I am
over 18 years old and make this declaration based on my personal knowledge of the facts relayed
herein, and could and would testify competently to the facts set forth herein if called to do so.

27 2. I was assigned to the investigation into the Ring-1 Enterprise and its conduct as

1 part of my regular work duties for the firm.

2 3. At the request of Plaintiff Bungie, Inc, I reviewed the website Ring-1.io, publicly
 3 available records related to the Ring-1.io domain name, and the online profiles of the Operator
 4 Defendants.¹ I also reviewed the websites whysp.org, whysp.sellix.io, toirplus.com, ring-
 5 1.selly.store, rev1ve.cc, 1vituscheats.com, and shopring1vitus.com, as well publicly available
 6 records related to these domain names and the online profiles of the Reseller Defendants.

7 4. I also reviewed documents produced in response to subpoenas filed in a previous
 8 action, *Bungie, Inc., et al. v. Andrew Thorpe, et al.*, Case No. 3:21-cv-05677-ECM (N.D. Cal.
 9 2021).

10 **I. DEFENDANTS' EFFORTS TO AVOID DETECTION**

11 5. Defendants structure their business and communications so as to purposefully
 12 conceal their identities and locations. As a result, while that investigation was able to determine
 13 identities and locations of several Defendants sufficient to effect service, others remain elusive.
 14 Further investigation is unlikely to be fruitful without the discovery requested in the Motion.

15 6. The Ring-1.io website (the “Website”) does not identify any persons, companies,
 16 or entities associated with the website, nor does it provide any contact information such as a
 17 physical address, email address, or phone number. Users are directed to a Telegram channel and
 18 a live chat service as the only means of support. A true and correct capture from the Website
 19 reflecting this information is attached hereto as **Exhibit 1**.

20 7. The administrators of the Website do not use their real names or provide contact
 21 information such as physical addresses, email addresses, or phone numbers. A true and correct
 22 capture of the account information screen for “calc” reflecting this lack of information is
 23 attached hereto as **Exhibit 2**.

24 8. As reflected in the publicly available WHOIS record for the <Ring-1.io> domain

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 26 1 Capitalized terms not otherwise defined herein have the meanings ascribed to them in the
 27 accompanying Motion For Expedited Discovery.

1 name, a true and correct copy of which is attached as **Exhibit 3**, Defendants have used a privacy
 2 protection service to hide their names and contact information from the public WHOIS database.
 3 The WHOIS database generally provides the registrant name and contact information for domain
 4 names.

5 9. After the previous action related to Ring-1 was filed, the Discord server that had
 6 been previously used for support was closed down “for privacy reasons.” True and correct
 7 captures of the Website stating that “Discord is gone” and “We shut down the Discord days
 8 ago . . . Discord was closed for privacy reasons” are attached hereto as **Exhibit 4**. In my opinion,
 9 the Operator Defendants deleted their Discord server deliberately in an attempt to avoid
 10 detection.

11 10. Reseller Defendants take similar steps to avoid detection and identification.

12 11. Reseller 1nvitus conducts business entirely via pseudonymous online accounts
 13 and provides no contact information such as physical addresses, email addresses, or phone
 14 numbers. 1nvitus also uses privacy protection services to hide their names and contact
 15 information from the public WHOIS database, as reflected in the WHOIS records for their
 16 domains <1nvituscheats.com> and <shopring1nvitus.com>, attached hereto as **Exhibits 5 and 6**.

17 12. Reseller Rutten also conducts business entirely via pseudonymous online
 18 accounts and provides no contact information such as physical addresses, email addresses, or
 19 phone numbers. He also uses privacy protection services to hide his name and contact
 20 information from the public WHOIS database, as reflected in the WHOIS records for his
 21 domains <whysp.org> and <toirplus.com>, attached hereto as **Exhibits 7 and 8**.

22 13. Reseller Rev1ve conducts business entirely via pseudonymous online accounts
 23 and provides no contact information such as physical addresses, email addresses, or phone
 24 numbers. 1nvitus also uses privacy protection services to hide their names and contact
 25 information from the public WHOIS database, as reflected in the WHOIS records for their
 26 domain <rev1ve.cc>, attached hereto as **Exhibit 9**.

27 14. Reseller Sinister conducts business entirely via pseudonymous online accounts

1 and provides no contact information such as physical addresses, email addresses, or phone
2 numbers.

3 15. Without the assistance of more information directly from these platforms
4 themselves, identifying, locating, and serving these remaining Defendants with process would
5 necessitate several orders of magnitude further resources, if it can be accomplished at all.

6 **II. BUNGIE'S INVESTIGATIVE EFFORTS TO DATE**

7 **A. The Ring-1 Website and Operators**

8 16. A subpoena response from the previous registrar for the <ring-1.io> domain,
9 attached hereto as **Exhibit 10**, revealed that the website was hosted at that time by Nice IT
10 Services Group, Inc. (“Nice”).

11 17. Webhosts such as Nice typically charge for their services, and require customers
12 to provide valid account, login, contact and billing information, such as credit card account
13 numbers, bank account numbers, and/or identifying information from payment processors.

14 18. Nice would therefore likely have such information available for Defendants.

15 19. A response to a previous subpoena to Cloudflare, a true and correct copy of which
16 is attached hereto as **Exhibit 11**, revealed that the subdomains <pay.ring-1.io> and <api.ring-
17 1.io> were hosted on IP addresses 157.245.70.110 and 167.71.2.138, respectively.

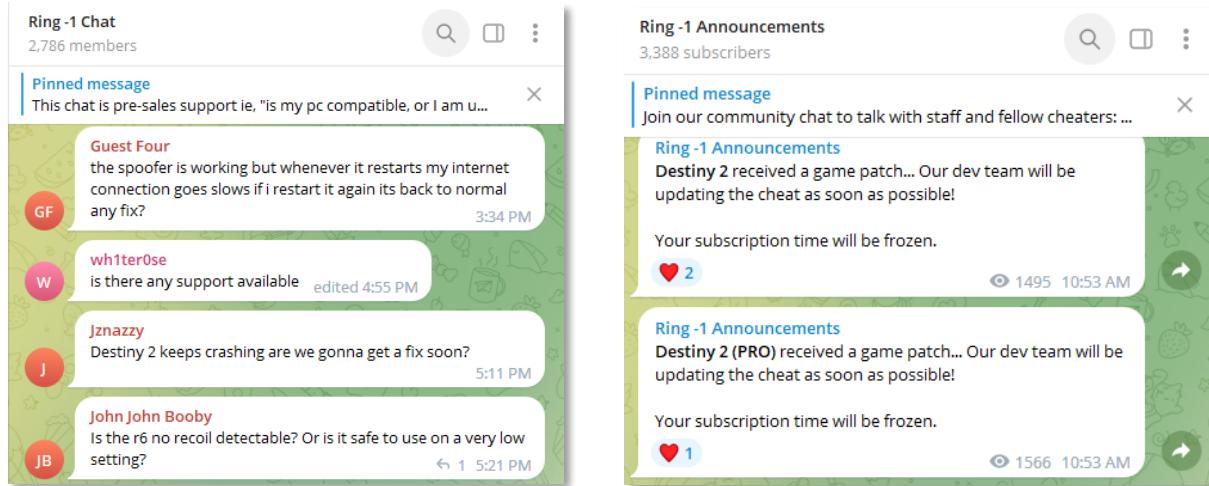
18 20. These IP addresses are both assigned to Digital Ocean, LLC (“Digital Ocean”) as
19 reflected in the records from the publicly available WHOIS database. True and correct copies of
20 these records are attached hereto as **Exhibits 12 and 13**.

21 21. Like webhosts, service providers such as Digital Ocean typically charge for their
22 services and similarly require customers to provide valid account, login, contact and billing
23 information, such as credit card account numbers, bank account numbers, and/or identifying
24 information from payment processors.

25 22. Digital Ocean therefore would likely also have this information available for
26 Defendants.

27 23. In addition, the Ring-1 Enterprise uses two Telegram channels to communicate

1 with customers. Telegram is a group communications platform. True and correct screenshots
 2 showing the nature of these communications are included below.



11 24. Our investigative efforts have also identified six operators of the Ring-1 Website
 12 for whom further discovery is required in order to be able to effect service: David Hastings, and
 13 five other operators who go by the pseudonyms “Khaleesi,” “Cypher,” “god,” “C52YOU,” and
 14 “Lelabowers74”.

15 25. A previous subpoena response from Discord revealed that Hastings uses the email
 16 addresses y_3k@ymail.com (the “Y3K Address”) and a Live email address. Email providers
 17 often store additional contact information for users, as well as recording login information such
 18 as IP addresses. That subpoena response also revealed that Hastings had connected to Discord
 19 from the IP address 69.139.20.120, which is assigned to Comcast Cable in Delaware. Internet
 20 Service Providers (“ISPs”) such as Comcast typically require payment for their services, and
 21 therefore maintain account, billing, login, and contact information for their customers.

22 26. Additional investigation revealed that an account using the Y3K Address was
 23 present in data from a 2022 breach of the criminal commerce website OGUsers[.]com. Because
 24 the email address is the same, I believe this account also belongs to Hastings. That breached data
 25 included the IP address that the user logged into OGUsers from, which was 72.94.18.174. This
 26 IP address belongs to Verizon FIOS, also in Delaware.

27 27. Further investigation yielded the information that Hastings maintains a Twitch

1 account under the name “rickyhozay,” as well as a Streamlabs account under the same name.
 2 Streamlabs is an online livestream and content creation facilitation service. Twitch requires an
 3 email address or phone number to create an account, and frequently maintains much more
 4 customer information, including login, contact, and billing information. Hastings utilized the “tip
 5 jar” function of Streamlabs for his Twitch stream; as a result, Streamlabs will likely have
 6 account, login, contact, and billing information for Hastings.

7 28. My investigation also revealed that Hastings maintains a Twitter account at
 8 @rickyhozay. Twitter maintains account, login, and contact information for customers; in some
 9 cases, it maintains identity verification and billing information.

10 29. A previous subpoena response from Discord revealed that Khaleesi uses the email
 11 address ryanlazarow@gmail.com (the “Lazarow Address”). Email providers often store
 12 additional contact information for users, as well as recording login information such as IP
 13 addresses. That subpoena response also revealed that Khaleesi had connected to Discord from
 14 the IP address 77.99.250.33, which is assigned to Virgin Media in Scotland. Internet Service
 15 Providers (“ISPs”) such as Virgin typically require payment for their services, and therefore
 16 maintain account, billing, login, and contact information for their customers.

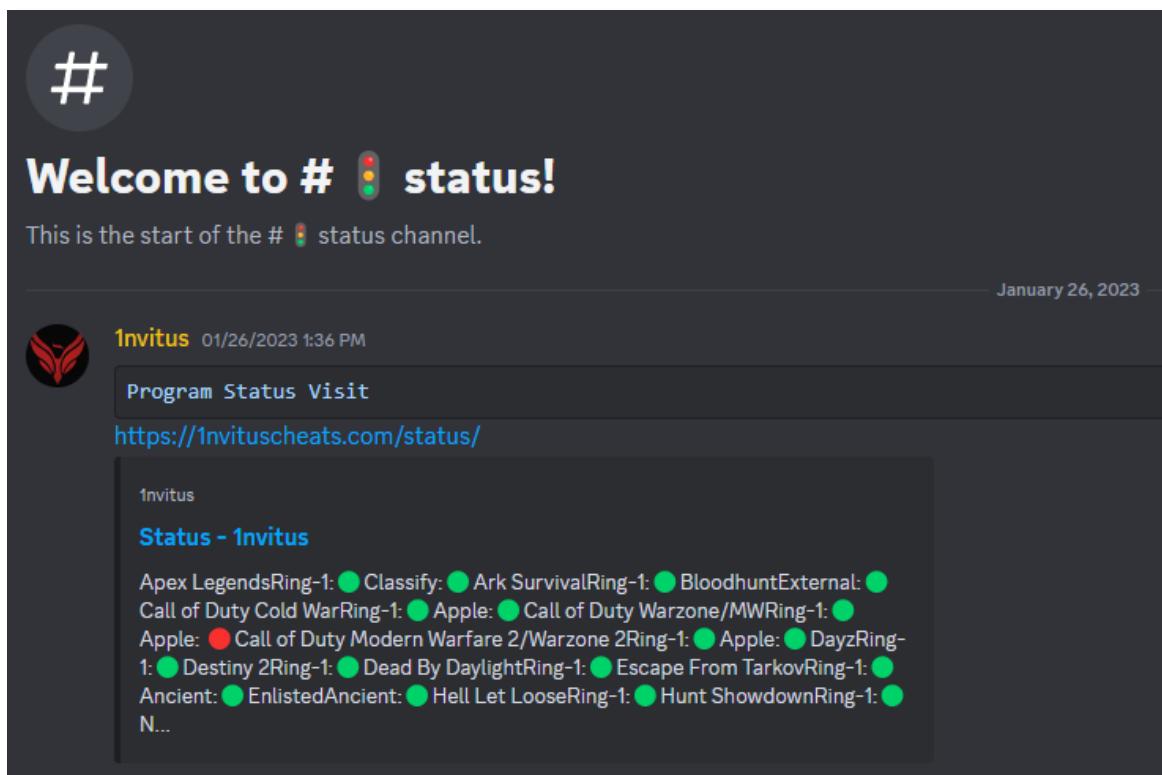
17 30. Additional investigation revealed that an account using the Lazarow Address was
 18 present in data from a 2021 breach of the criminal commerce website OGUsers[.]com. Because
 19 the email address is the same, I believe this account also belongs to Khaleesi. That breached data
 20 included the IP address that the user logged into OGUsers from, which was 94.8.61.101. This IP
 21 address belongs to Sky Broadband, also in Scotland.

22 31. My investigation revealed that Cypher has used two different Discord accounts,
 23 and god has used one. Discord requires that users provide an email address and telephone
 24 number to register an account on Discord. Discord also stores users’ login information.

25 32. My investigation also revealed that C52You and LelaBowers74 both use Steam
 26 accounts to play *Destiny 2*. Steam requires an email address in order to create an account, and
 27 likely has payment and transaction information for these accounts.

1 **B. Ring-1 Resellers**

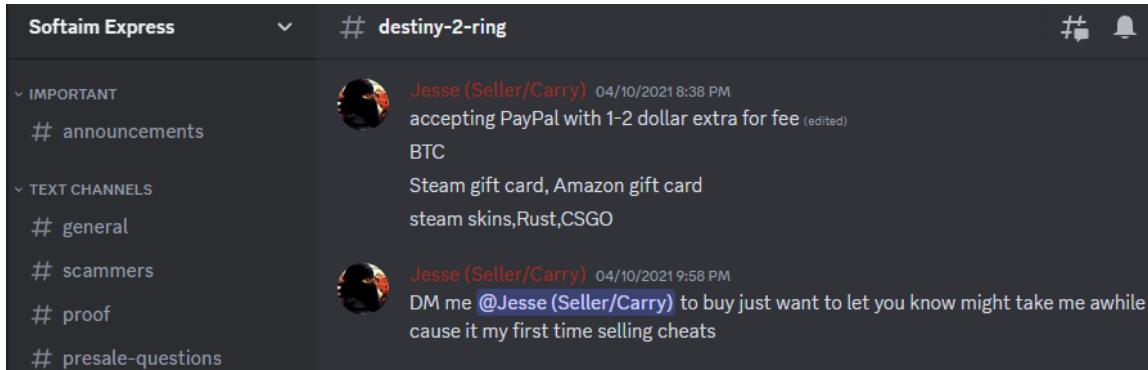
2 33. Reseller “1nvitus” operates via a Discord server. A true and correct capture of the
 3 “status” channel in the 1vitus Discord, showing a “green” (functional) status for “Destiny2Ring-
 4 1” is shown below.



18 34. 1nvitus also operates via two websites, 1nvituscheats[.]com and
 19 shopring1nvitus[.]com. True and correct captures of the landing pages of each of these sites are
 20 attached hereto as **Exhibits 14 and 15**. The registrar for the <1nvituscheats.com> domains is
 21 Hostinger, UAB (“Hostinger”). *See Exhibit 5*. The registrar for <shopring1nvitus.com> is Key
 22 Systems GMBH (“Key Systems”). *See Exhibit 6*. Hostinger and Key Systems are likely to have
 23 valid account, login, contact and billing information for 1nvitus; Discord is likely to have valid
 24 account, login, and contact information for 1nvitus.

25 35. Reseller Jesse Watson (“Watson”) operates via a Discord server. A true and
 26 correct screenshot of Watson’s Discord server, Softaim Express, showing Watson listing
 27 payment options (“accepting PayPal with 1-2 dollar extra for fee, BTC, Steam gift card, Amazon

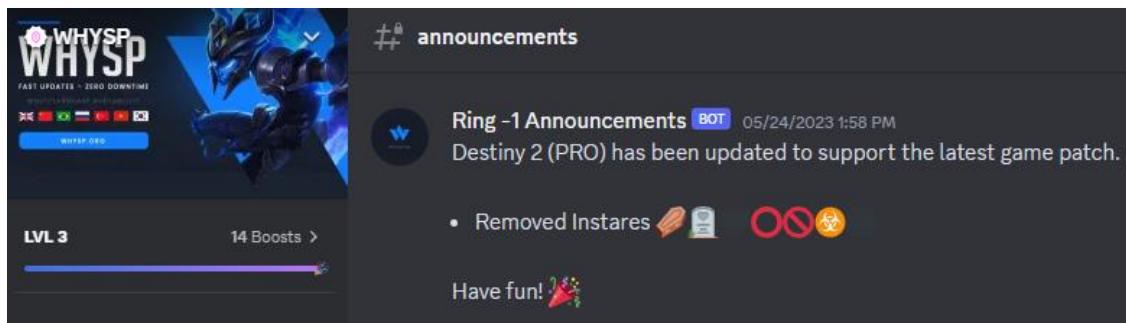
1 gift card, steam skins, Rust, CSGO" and giving instructions for how to purchase the Software
 2 ("DM me to buy just want to let you know might take me a while cause it [sic] my first time
 3 selling cheats") in the "#destiny-2-ring" channel, is shown below.

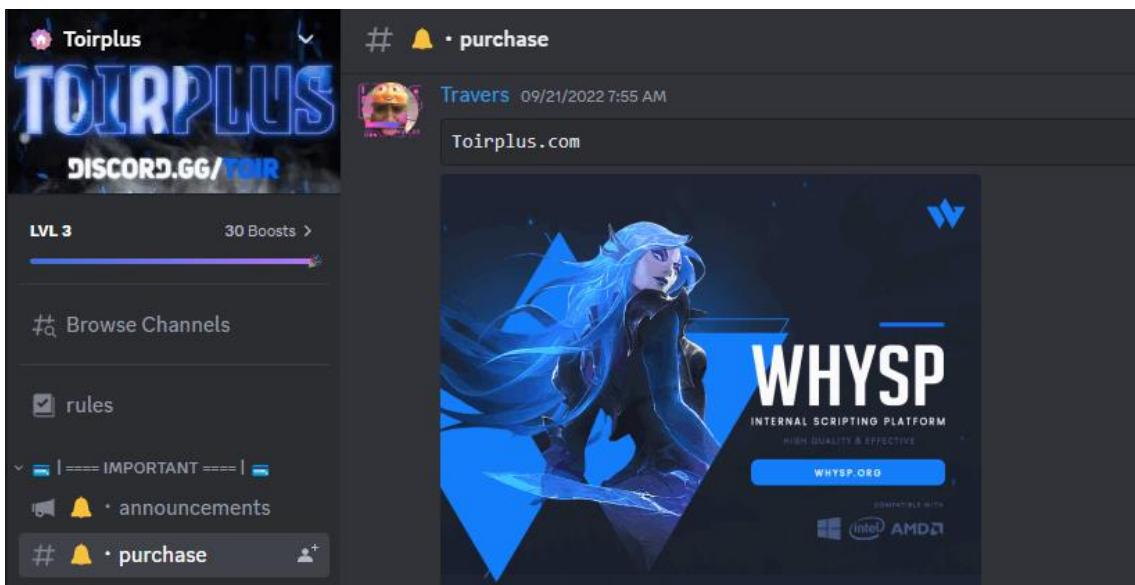


11 36. Watson also operates via a website at shoppy.gg/@moonman1425. A true and
 12 correct capture of this website showing the Softaim Express logo and advertising cheat software
 13 for sale is attached hereto as **Exhibit 16**. Shoppy is a fully-hosted ecommerce platform, and is
 14 likely to have valid account, login, contact, and billing information for Watson.

15 37. Watson also uses a YouTube channel for publicity, under the channel name
 16 @jessewatson3944. YouTube requires an email address to create an account.

17 38. Reseller Travers Rutten ("Rutten") operates via two Discord servers, "WhySP"
 18 and "ToirPlus." True and correct screenshots of these Discord servers showing information
 19 related to the Software are shown below.





39. Rutters also operates via three websites: whysp.org, whysp.sellix.io, and toirplus.com. True and correct captures of these websites are attached hereto as **Exhibits 17-19**. The registrar for <whysp.org> is SquareSpace, Inc. (“Squarespace”). *See Exhibit 7*. The registrar for <toirplus.com> is GoDaddy, Inc. (“GoDaddy”). *See Exhibit 8*. The domain <whysp.sellix.io> is fully hosted at the Sellix e-commerce platform.

40. Rutters also uses a Twitter account at @Travers7134 and a YouTube channel at @Travers7134 for publicity, which require either an email address or a phone number to create an account.

41. Reseller Sinister operates via a Discord server and uses a YouTube channel at @sinistersoftware6001 for publicity. Both Discord and YouTube are likely to have valid login and contact information for Sinister.

22 Executed this 27th day of October, 2023, at Bothell, Washington.

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24
25 
26 Kathryn Tewson
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CERTIFICATE OF SERVICE

I, Dylan M. Schmeyer, hereby certify that on October 27, 2023, I caused a true and correct copy of the foregoing document to be served on the two named Defendants who have been served with the Complaint and Summons via email to the addresses set forth below:

Mark Jordan, counsel for Defendant Abbot: mjordan@bracepointlaw.com

Defendant Mahuron: mahuron123@live.com

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge.

Dated: October 27, 2023

s/Dylan M. Schmeyer
Dylan M. Schmeyer (admitted PHV)